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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-001.

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004524.P067  
(maximum 12 characters)

First Named Inventor David P. Bajorins

Title: INTEGRATED OPTIC COMPONENT FOR BINOCULAR FSO TRANSCEIVER

Express Mail Label No. ET668479776US

ADDRESS TO: **Assistant Commissioner for Patents**  
**Box Patent Application**  
**Washington, D. C. 20231**

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2.  Applicant Claims Small Entity Status. (37 CFR 1.27)
3.  Specification (Total Pages 35)  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawings(s) (35 USC 113) (Total Sheets 10)
5.  Oath or Declaration (Total Pages 5)
  - a.  Newly Executed (Original or Copy)
  - b.  Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 17 completed)
    - i.  DELETIONS OF INVENTOR(S) Signed statement attached deleting  
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)  
and 1.33(b).
    - c.  Unsigned.
6.  Application Data Sheet. (37 CFR 1.76)
7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:  
i.  CD-ROM or CD-R (2 copies); or  
ii.  paper
  - c.  Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & documents(s))  
 10.  a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
        b. Power of Attorney  
 11.  English Translation Document (if applicable)  
 12.  a. Information Disclosure Statement (IDS)/PTO-1449  
        b. Copies of IDS Citations  
 13.  Preliminary Amendment  
 14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)  
 15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)  
 16.  Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.  
 17.  Other: separate sheet with title, express mail label, copy of postcard and attorney's signature

## 18A. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

Continuation       Divisional       Continuation-in-part (CIP)  
 Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

(which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_,  
 which is a  continuation/  divisional/  CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that \_\_\_\_\_ (name of assignee) is  
 the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an  
 assignment recorded in the Patent and Trademark Office at Reel. No. \_\_\_\_\_ Frame No. \_\_\_\_\_  
 (or a copy of which is attached).

## 19. Correspondence Address

Customer Number or Bar Code Label \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)  
 or  
 Correspondence Address Below

NAME R. Alan Burnett

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard

Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026

Country U.S.A. TELEPHONE (206) 292-8600 FAX (206) 292-8606

Name (PRINT/TYPE): R. Alan Burnett Registration No.: 46,149

Signature: R. Alan Burnett Date: Dec 5, 2001

**REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor David P. Bajorins  
Title INTEGRATED OPTIC COMPONENT FOR BINOCULAR TRANSCEIVER

Attorney Docket No. 004524.P067

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 5, 2001

Date

R. Alan Burnett

Signature

R. Alan Burnett

Typed or Printed Name

46,149

Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

**FEE TRANSMITTAL FOR FY 2001**TOTAL AMOUNT OF PAYMENT (\$) \$1,764.00

## Complete if Known:

Application No. Not yet assignedFiling Date HerewithFirst Named Inventor David P. Bajorins

Group Art Unit \_\_\_\_\_

Examiner Name \_\_\_\_\_

Attorney Docket No. 004524.P067**METHOD OF PAYMENT** (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
Deposit Account Name \_\_\_\_\_ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2.  Payment Enclosed:

Check  
 Money Order  
 Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity                  | Small Entity | Fee Description | Fee Paid |
|-------------------------------|--------------|-----------------|----------|
| Fee                           | Fee          | Fee             | Fee      |
| Code                          | (\$)         | Code            | (\$)     |
| 101                           | 740          | 201             | 370      |
| 106                           | 330          | 206             | 165      |
| 107                           | 510          | 207             | 255      |
| 108                           | 740          | 208             | 370      |
| 114                           | 160          | 214             | 80       |
| <b>SUBTOTAL (1) \$ 740.00</b> |              |                 |          |

**2. EXTRA CLAIM FEES**

| Total Claims                  | 42 | Extra Claims | Fee from below | Fee Paid   |
|-------------------------------|----|--------------|----------------|------------|
| Independent Claims            | 10 | - 20** = 22  | X \$18.00      | = \$396.00 |
| Multiple Dependent            |    | - 3** = 7    | X \$84.00      | = \$588.00 |
| <b>SUBTOTAL (2) \$ 984.00</b> |    |              |                |            |

\*\*Or number previously paid, if greater; For Reissues, see below.

**Large Entity****Small Entity**

| Fee  | Fee  | Fee  | Fee  | Fee Description   |
|------|------|------|------|---|
| Code | (\$) | Code | (\$) | Fee Description   |
| 103  | 18   | 203  | 9    | Claims in excess of 20                                    |
| 102  | 84   | 202  | 42   | Independent claims in excess of 3                         |
| 104  | 280  | 204  | 140  | Multiple dependent claim, if not paid                     |
| 109  | 84   | 209  | 42   | **Reissue independent claims over original patent         |
| 110  | 18   | 210  | 9    | **Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) \$ 984.00**

FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u> | <u>Fee Paid</u> |  |         |
|---------------------|---------------------|------------------------|-----------------|--|---------|
| Fee<br>Code         | Fee<br>(\$)         | Fee<br>Code            | Fee<br>(\$)     |  |         |
| 105                 | 130                 | 205                    | 65              | Surcharge - late filing fee or oath  | _____   |
| 127                 | 50                  | 227                    | 25              | Surcharge - late provisional filing fee or cover sheet   | _____   |
| 139                 | 130                 | 139                    | 130             | Non-English specification  | _____   |
| 147                 | 2,520               | 147                    | 2,520           | For filing a request for reexamination   | _____   |
| 112                 | 920*                | 112                    | 920*            | Requesting publication of SIR prior to Examiner action   | _____   |
| 113                 | 1,840*              | 113                    | 1,840*          | Requesting publication of SIR after Examiner action  | _____   |
| 115                 | 110                 | 215                    | 55              | Extension for response within first month  | _____   |
| 116                 | 400                 | 216                    | 200             | Extension for response within second month   | _____   |
| 117                 | 920                 | 217                    | 460             | Extension for response within third month  | _____   |
| 118                 | 1,440               | 218                    | 720             | Extension for response within fourth month   | _____   |
| 128                 | 1,960               | 228                    | 980             | Extension for response within fifth month  | _____   |
| 119                 | 320                 | 219                    | 160             | Notice of Appeal   | _____   |
| 120                 | 320                 | 220                    | 160             | Filing a brief in support of an appeal   | _____   |
| 121                 | 280                 | 221                    | 140             | Request for oral hearing   | _____   |
| 138                 | 1,510               | 138                    | 1,510           | Petition to institute a public use proceeding  | _____   |
| 140                 | 110                 | 240                    | 55              | Petition to revive unavoidably abandoned application or unavoidably delayed payment of issue fee         | _____   |
| 141                 | 1,280               | 241                    | 640             | Petition to revive unintentionally abandoned application or unintentionally delayed payment of issue fee | _____   |
| 142                 | 1,280               | 242                    | 640             | Utility issue fee (or reissue)   | _____   |
| 143                 | 460                 | 243                    | 230             | Design issue fee   | _____   |
| 144                 | 620                 | 244                    | 310             | Plant issue fee  | _____   |
| 122                 | 130                 | 122                    | 130             | Petitions to the Commissioner  | _____   |
| 123                 | 50                  | 123                    | 50              | Petitions related to provisional applications  | _____   |
| 126                 | 180                 | 126                    | 180             | Submission of Information Disclosure Stmt  | _____   |
| 581                 | 40                  | 581                    | 40              | Recording each patent assignment per property (times number of properties)                               | \$40.00 |
| 146                 | 740                 | 246                    | 370             | For filing a submission after final rejection (see 37 CFR 1.129(a))                                      | _____   |
| 149                 | 740                 | 249                    | 370             | For each additional invention to be examined (see 37 CFR 1.129(b))                                       | _____   |
| 179                 | 740                 | 279                    | 370             | Request for Continued Examination (RCE)  | _____   |
| 169                 | 900                 | 169                    | 900             | Request for expedited examination of a design application  | _____   |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) \$ 40.00

\*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: R. Alan Burnett

Signature: R. Alan Burnett Date: Dec. 4, 2001

Reg. Number: 46,149 Telephone Number: (206) 292-8600

Our Reference: 004524.P067

Patent

## INTEGRATED OPTIC COMPONENT FOR BINOCULAR FSO TRANSCEIVER

Inventors:  
David P. Bajorins  
James S. Webb

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Alan Bennett

R. Alan Burnett

Reg. No. 46,149

"Express Mail" mailing label number: ET668479776US

Date of Deposit: December 5, 2001

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Jenny Miller

(Typed or printed name of person mailing paper or fee)

Jenny Miller Dec. 5, 2001  
(Signature of person mailing paper or fee) (Date signed)

Serial/Patent No.: Not yet assigned Filing/Issue Date: Herewith  
Client: Terabeam Corporation  
Title: INTEGRATED OPTIC COMPONENT FOR BINOCULAR FSO TRANSCEIVER

|   |  |
|---|--|
| BSTZ File No.: <u>004524, P067</u>  | Att'y/Secty Initials: <u>RAB/jem</u>   |
| Date Mailed: <u>December 5, 2001</u>  | Docket Due Date: <u>***</u>  |
| The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:   |  |
| <input type="checkbox"/> Amendment/Response ( <u>      </u> pgs.)   | <input checked="" type="checkbox"/> Express Mail No.: <u>ET668479776US</u> <input checked="" type="checkbox"/> Check No. <u>1857</u> |
| <input type="checkbox"/> Appeal Brief ( <u>      </u> pgs.) (in triplicate)   | <input type="checkbox"/> _____ Month(s) Extension of Time <input type="checkbox"/> Amt: <u>\$1,764.00</u>                            |
| <input checked="" type="checkbox"/> Application - Utility <u>35</u> pgs., with cover and abstract   | <input type="checkbox"/> Information Disclosure Statement & PTO-149 ( <u>      </u> pgs.) <input type="checkbox"/> Check No. _____   |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation ( <u>      </u> pgs.)  | <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Amt: _____   |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional ( <u>      </u> pgs.)  | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP ( <u>      </u> pgs.)   | <input type="checkbox"/> Petition for Extension of Time  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal ( <u>      </u> pgs.)   | <input type="checkbox"/> Petition for _____  |
| <input type="checkbox"/> Application - Design ( <u>      </u> pgs.)   | <input checked="" type="checkbox"/> Postcard   |
| <input type="checkbox"/> Application - PCT ( <u>      </u> pgs.)  | <input type="checkbox"/> Power of Attorney ( <u>      </u> pgs.)   |
| <input type="checkbox"/> Application - Provisional ( <u>      </u> pgs.)  | <input type="checkbox"/> Preliminary Amendment ( <u>      </u> pgs.)   |
| <input checked="" type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief ( <u>      </u> pgs.)   |
| <input checked="" type="checkbox"/> Certificate of Mailing  | <input type="checkbox"/> Response to Notice of Missing Parts   |
| <input checked="" type="checkbox"/> Declaration & POA ( <u>5</u> pgs.)  | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business   |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Invn'ts Signed Letter ( <u>      </u> pgs.)   | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate <b>3 pages each</b>   |
| <input checked="" type="checkbox"/> Drawings: <u>10</u> # of sheets includes <u>19</u> figures  | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate <b>2 pages each</b>  |
| <br><input checked="" type="checkbox"/> Other: <u>Certificate of mailing with copy of return postcard signed by attorney, plus filing S/B 35.</u> |  |